

Notice of Allowability

Application No.

10/626,537

Examiner

Deborah K. Ware

Applicant(s)

FREDENBURGH ET AL.

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/5/05.
2. ☒ The allowed claim(s) is/are 4-19 and 22-26.
3. ☒ The drawings filed on 7/25/05 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/726,032.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/5/05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the title

Changed the title to – SURFACE TREATMENT WITH DORMANT BACTERIA AND ADHERING AGENT TO CONTROL ODOR -- .

Authorization for this examiner's amendment was given in a telephone interview with Jason Okun on May 5, 2005.

The application has been amended as follows:

In the claims

Claim 1, canceled;

Claim 2, canceled;

Claim 3, canceled;

Claim 4, lines 1-2, deleted "The surface according to Claim 2," and inserted —

A surface treated so as to be capable of controlling odor caused by an organic material, said treated surface comprising:

a dormant bacterium capable of becoming active when exposed to said organic material; and

Art Unit: 1651

at least one adhering agent for adhering said dormant bacterium to a surface that is being treated,

wherein said dormant bacterium, when activated, is capable of digesting said organic material,

wherein said bacterium is a sporulated form of one or more strains of the genus *Bacillus*, and --

, line 2, after "wherein said surface" inserted --that is being treated--,

, line 3, deleted "bacteria" and inserted --bacterium-- ;

Claim 5, line 2, deleted "bacteria" and inserted --bacterium--;

Claim 6, line 1, deleted "1" and inserted --4--,

line 2, after "said" inserted --strains of *Bacillus* are selected from the group consisting of-- and further deleted "dormant bacteria",

line 3, deleted "comprises",

line 8, after "10-40" inserted --and--;

Claim 7, line 1, deleted "1" and inserted --4--,

, line 2, after "said" inserted --strains of *Bacillus* are selected from the group consisting of--and further deleted "dormant bacteria",

, line 3, deleted "comprises",

, line 8, after "20" inserted --and--;

Claim 8, line 1, deleted "The surface according to Claim 1," and inserted --
A surface treated so as to be capable of controlling odor caused by an organic material,
said treated surface comprising:

Art Unit: 1651

a dormant bacterium capable of becoming active when exposed to said organic material; and

at least one adhering agent for adhering said dormant bacterium to a surface that is being treated,

wherein said dormant bacterium, when activated, is capable of digesting said organic material, and--

, line 2, after "wherein said" inserted --treated--;

Claim 10, line 2, after "surface" inserted --that is being treated--;

Claim 12, line 1 deleted "The surface according to" and inserted --A surface treated--,

, line 2, deleted "Claim 1, wherein said adhering agent is at least one" and inserted --so as to be capable of controlling odor caused by an organic material, said treated surface comprising:

a dormant bacterium capable of becoming active when exposed to said organic material; and

at least one adhering agent—,

, line 4, after "polyvinyl chloride" inserted --for adhering said dormant bacterium to a surface that is being treated,

wherein said dormant bacterium, when activated, is capable of digesting said organic material-- ;

Claim 17, line 1, deleted "The surface according to Claim 1, wherein said surface" and inserted --A--,

Art Unit: 1651

, line 2, deleted "comprises a" and after "fiber or fabric" inserted –surface treated so as to be capable of controlling odor caused by an organic material, said treated fiber or fabric surface comprising:

a dormant bacterium capable of becoming active when exposed to said organic material; and

at least one adhering agent for adhering said dormant bacterium to a fiber or fabric surface that is being treated,

wherein said dormant bacterium, when activated, is capable of digesting said organic material--;

Claim 19, line 1, deleted "The surface according to Claim 1, wherein said surface is a" and inserted –A--,

, line 2, after "plastic film" inserted –surface treated so as to be capable of controlling odor caused by an organic material, said treated plastic film surface comprising:

a dormant bacterium capable of becoming active when exposed to said organic material; and

at least one adhering agent for adhering said dormant bacterium to a plastic film surface that is being treated,

wherein said dormant bacterium, when activated, is capable of digesting said organic material--;

Claim 20, canceled;

Claim 21, canceled;

Art Unit: 1651

Claim 22, line 1, deleted "The surface according to Claim 1, wherein said surface is" and inserted --A--,

, line 2, after "wood" inserted --surface treated so as to be capable of controlling odor caused by an organic material, said treated wood surface comprising:

a dormant bacterium capable of becoming active when exposed to said organic material; and

at last one adhering agent for adhering said dormant bacterium to a wood surface that is being treated,

wherein said dormant bacterium, when activated, is capable of digesting said organic material-- ;

Claim 23, line 1, deleted "The surface according to claim 1," and inserted --
A surface treated so as to be capable of controlling odor caused by an organic material, said treated surface comprising:

a dormant bacterium capable of becoming active when exposed to said organic material; and

at least one adhering agent for adhering said dormant bacterium to a surface that is being treated,

wherein said dormant bacterium, when activated, is capable of digesting said organic material,-- and further after "which" at line 1 inserted --said treated surface--,

, line 2, after "treating said surface" inserted --that is being treated--,

, line 3, deleted "bacteria" an inserted --bacterium--; and

added new claim,


Art Unit: 1651

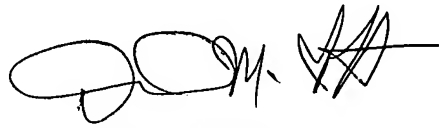
-- 26. The surface according to claim 8, wherein said adhering agent comprises said stain blocker.--

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah K. Ware whose telephone number is 571-272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Deborah K. Ware
May 19, 2005


DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT 1285/